

AMENDED IN ASSEMBLY JULY 14, 2003

AMENDED IN SENATE MAY 8, 2003

AMENDED IN SENATE APRIL 28, 2003

AMENDED IN SENATE APRIL 8, 2003

SENATE BILL

No. 197

Introduced by Senator Burton

February 13, 2003

An act to add Section 559 to the Labor Code, relating to hours and wages.

LEGISLATIVE COUNSEL'S DIGEST

SB 197, as amended, Burton. Registered nurses: wages and hours of employment violations: fines.

Existing law establishes in the Department of Industrial Relations the Division of Labor Standards Enforcement for the enforcement of labor laws, and the Industrial Welfare Commission, which is required to issue orders necessary to regulate the wages, hours, and working conditions of employees in this state. An employer that violates the laws, regulations, or orders governing wages, hours, or working conditions is subject to criminal prosecution, civil action, and an action to enjoin or restrain the violation.

This bill would provide that general acute care hospitals *operated for profit* that violate laws or orders of the Industrial Welfare Commission relating to the meal or rest periods of registered nurses shall be subject to treble civil damages, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) There is a demonstrated shortage of registered nurses in the state, including within hospital settings, and this shortage is reducing access to necessary and quality hospital care.

(b) Many registered nurses are leaving the hospital setting because the nursing work environment in hospitals has deteriorated to an unacceptable level. The Legislature is taking steps to address this issue through implementing nurse-to-patient ratios.

(c) To encourage registered nurses who work in hospital settings to continue to serve in hospitals, the Legislature needs to improve the hospital work environment. One way to do this is to strengthen workplace protections for registered nurses who work in hospital settings.

(d) It is in the best interest of the public, hospitals, patients, and registered nurses to strengthen workplace protections for registered nurses who work in hospitals.

SEC. 2. Section 559 is added to the Labor Code, to read:

559. A general acute care hospital, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, *that is operated for profit*, shall be subject to treble the civil penalties provided by Section 558 for violating any provision of this code or order of the Industrial Welfare Commission governing meal or rest periods for registered nurses.